GOVERNMENT OF MADRAS.

Secrt. II-16—55,000—3-9

HECA (1954.) Department.

Closed

Endorsement
D.O.
Memorandum
Lodged

(two pages)

Memo. No. 41032/54-1. Health

Dated 30-4-1954.

FURTHER PAPERS.

Department.	Number.	Series.	Date.
Building Regulations – Kanhangad panchayat – South Kanara Dt – non-enforcement of – Representation made by the President Taluk Harijan Seva Sangham.			

Cno 41032/54.

HELA H

Sub: Building Regulations - Kanhangad Panchayat South Kanara Dt - Non. enforcement of - Representation made by the President Taluk Haryan Sevak Sangham

Ref: From the Secy, Hosdrug Town Congress committee, letter dt 20/4/54

Memo 41032/54. I - Health dt 30/4/54

Transferred to the DTP. for disposal.

24/4/54

30

Sent to DTP. 5/5/54

To the DTP.

Copy to the Secretary Hosdrug Town Congress Committee Kanhangad, SK Dt.

HELA

Sub States. Reorganisation Commission
Information req.

Action is called for in this Section only with regard to 'X' on pages 1-2 of the note (re with ref to 'A' on p 4 of) and 'B' on p 5 of

X on pages 1-2 of

It is presumed that Current Section will obtain information regarding Sanctioned Strength of posts of the Hdqrs establishment as well

HE LA (1954) Department

(forty two pages)

L49176 HE/54.3 Health

closed
MP
Supdt

Dated 13.8.54

public health - Residential area - T.S. No 233 occupied by the arawind Motors - Conversion into Residential area - objected to

Prabhakar Rai, B. Com., (Bom.)
MUNICIPAL COUNCILLOR,

ANAND BHAVAN,
KADRI HILLS,
KULSHEKAR POST,
Mangalore 10th May 1954

45

To

The Chief Minister,
Government of Madras,
Madras -1.

SECRETARIAT
17 MAY 1954
HEALTH, EDN. & LOCAL ADMN. DEPT.

CHIEF MINISTER
15 MAY
SECRETARIAT

Sir,

50389 Public Health- ~~Residential Area~~- T.S.No 233 occupied by the Aravind Meters- Conversion into Non-Residential Area-objected to.

The Mangalore Municipality notified in the year 1941 the localities, divisions, wards streets or portions of streets which shall be reserved for residential purposes. As per this notification issued under Section 89(1) of Public Health Act 1939 (Madras Act III of 1939) the triangular block bounded by the Government Women's Training School Road on the north, Mangalore-Mercara Trunk Road on the south and the Bunts Hostal Road on the West is already an established residential area. Under Section 92 of the said Act, the construction or establishment of any new workshop or workplace in the areas specified in the notification shall be absolutely prohibited. T.S. 233 of 15th Ward is situated within a distance of 73 feet from the Goverment Women's School and was therefore set apart as residential area with a view to prevent any nuisance being caused by any new factory, workshop or workplace to the working of the school. I may bring to Your kind notice that the Executive Authority of the Mangalore Municipality permitted at this site the ~~construction~~ establishment of the Aravind Meters Workshop in contravention of Section 92 of the Act and thereby encouraged this concern to violate the provisions of the Public Health Act.

On 19-11-52, the Aravind Meters applied for permission to install 3 H.P. Electric Moter in their premises T.S. 233, an established residential area and the Municipal Council in its Resolution No. 992 dated 11-7-53 refused permission for installing the hoist at the site. Consequent to the representations made by the party th Municipal Council in its Resolution No. 1850 dated 14-11-53 resolved that a general reference may be made to the Government whether an electric machinery to operate a hoist for servicing meter cars could be permitted as an amenity which need not be treated as a trade machinery.

While the matter was ~~receiving~~ the attention in the Public Health Department Madras the Managing Partner, Aravind Meters made an appeal to the Director of Town Planing Madras requesting to grant permission for the

4917 6/54

installation of the electric motor of 3 H.P. for the purpose of operating a car lift. The Director of Town Planing under misrepresentation from the party that they had filed no objection certificate from all the surrounding neighbours approved the exclusion of the site T.S. 233 of 15th Ward from notified residential area.

In this connection I have to submit that the Director of Town Planning Madras need not have approved the exclusion of the site from notified residential area without consulting the Municipal Council, Manglore. After the notification of the residential areas any modification can be made only with a proper resolution of the Council. The Director of Town Planning, Madras has also suggested and approved the exclusion of the site to a depth of 75 feet from the road edge whereas the Municipal Health Officer is of opinion that such a vast strip of land if excluded from notified residential area would be prejudicial to the interests of public health. The conversion of the site T.S. 233 on the Mercara Road side to a depth of 75 ft. as approved by the Director of Town Planing is therefore objectionable and the proposal may be rejected by the Government.

Further, I may be permitted to state that the procedure prescribed in G.O. No. 458 Public Health dated 13.2-52 has not been adopted by the Town Planing Department, Madras. It has been the policy of the Government to offer the District Collector a chance to express his views on every such proposal but the instructions from the Government are not followed in this case.

In conclusion, I would request the Honourable Chief Minister of Madras kindly to cause an enquiry to be made into the facts of the above case and do justice to the citizens of the Town.

Yours faithfully,

K. Prabhaker Rai.

Copy to the Secretary to Govt. Health Department, Madras.
Copy to Director of Public Health, Madras.
Copy to the D.T.P. ,Madras.

HCM
HF.

No action pending receipt of the Mangalore Ml. comm'rs reply w.r.t the memo on Pp 1-2 ante. May lie over till 20/6/54

20/5/54

21/5/54

20.5.54

3
HE(A)

49176/54

Mangalore Mpty Hy

Sub Zoning & Residential area
Exclusion of TS no 233 occupied
by Arvind Motors from the
notified residential areas.
Objections against exclusion.

—x—

39/7/15

Ref: from Sri Prabhakar Rai, Ml councillor
Mangalore, petition
dt 10-5-54

HE x

Memo 49176/54.1.Health. dt 15/5/54

8/7/15-5-15

Referred to the Commr,
Mangalore mpty for urgent
remarks. He is requested
to send his reply thro' the

P.T.O.

4.

.. D.T.P and the D.P.H

14/5/54
14.5.54

14 5
15 54

To the Commr
Many a/so
reply
(thro the Case)
(with enclosure)
Copy to the D.T.P

D.P. H

Mr Mc
Mr Gas

Prabhakar Rai, B. Com., (Bom.)
MUNICIPAL COUNCILLOR.

ANAND BHAVAN,
KADRI HILLS,
KULSHEKAR POST,
Mangalore 18th May 1954

To

The Chief Minister,
Government of Madras,
Madras-1.

Sir,

ASSISTANT SECRETARY TO GOVT.
18 MAY 1954
49176
HEALTH, EDN. & LOCAL ADMN. DEPT.

OFFICE OF THE MUNICIPAL COUNCIL
24 MAY 1954
MANGALORE

Public Health- Residential Areas- T.S.No 233 occupied by the Aravind Motors- Conversion into Non-Residential Area-objected to.

The Mangalore Municipality notified in the year 1944 the localities, divisions, wards streets or portions of streets which shall be reserved for residential purposes. As per this notification issued under Section 89(1) of Public Health Act 1939 (Madras Act III of 1939) the triangular block bounded by the Government Women's Training School Road on the north, Mangalore-Morcara Trunk Road on the south and the Kudroli Hostel Road on the West is already an established residential area. Under Section 92 of the said Act, the construction or establishment of any new workshop or workplace in the areas specified in the notification shall be absolutely prohibited. T.S. 233 of 15th Ward is situated within a distance of 73 feet from the Government Women's School and was therefore set apart as residential area with a view to prevent any nuisance being caused by any new factory, workshop or workplace to the working of the school. I may bring to Your kind notice that the Executive Authority of the Mangalore Municipality permitted at this site the construction establishment of the Aravind Motors Workshop in contravention of Section 92 of the Act and thereby encouraged this concern to violate the provisions of the Public Health Act.

On 19-11-52, the Aravind Motors applied for permission to install 3 H.P. Electric Motor in their premises T.S. 233, an established residential area and the Municipal Council in its Resolution No. 592 dated 11-7-53 refused permission for installing the hoist at the site. Consequent to the representations made by the party the Municipal Council in its Resolution No. 1950 dated 14-11-53 resolved that a general reference may be made to the Government whether an electric auxiliary to operate a hoist for servicing motor cars could be permitted as an amenity which need not be treated as a trade machinery.

While the matter was receiving the attention in the Public Health Department Madras the Managing Partner, Aravind Motors made an appeal to the Director of Town Planning Madras requesting to grant permission for the

installation of the electric motor of 3 H.P. for the purpose of operating a car lift. The Director of Town Planning under misrepresentation from the party that they had filed no objection certificate from all the surrounding neighbours approved the exclusion of the site T.S. 233 of 15th Ward from notified residential area.

In this connection I have to submit that the Director of Town Planning Madras need not have approved the exclusion of the site from notified residential area without consulting the Municipal Council, Mangalore. After the notification of the residential areas any modification can be made only with a proper resolution of the Council. The Director of Town Planning, Madras has also suggested and approved the exclusion of the site to a depth of 75 feet from the road edge whereas the Municipal Health Officer is of opinion that such a vast strip of land if excluded from notified residential area would be prejudicial to the interests of public health. The conversion of the site T.S. 233 on the Hampanakatte side to a depth of 75 ft. as approved by the Director of Town Planning is therefore objectionable and the proposal may be rejected by the Government.

Further, I may be permitted to state the procedure prescribed in G. O. No. 458 Public Health dated 13.3-32 has not been adopted by the Town Planning Department, Madras. It has been the policy of the Government to offer the District Collector a chance to express his views on every such proposal but the instructions instructions from the Government are not followed in this case.

In conclusion, I would request the Honourable Chief Minister of Madras kindly to cause an enquiry to be made into the facts of the above case and do justice to the citizens of the Town.

Yours faithfully,

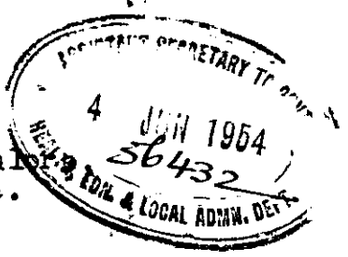
P. Prabhaker Rai.

Copy to the Secretary to Govt. Health Department, Madras.
Copy to Director of Public Health, Madras.
Copy to the D.T.P. Madras.

49176/54

HS 7

VERY URGENT.
E3.18829/53.



Municipal Office, Mangalore,
dated the 26th May 1954.

From

Sri A.K.Raghavan, B.A.,B.L.,
Commissioner, Mangalore Municipality.

To

The Secretary to the Government of Madras,
Health, Education and Local Administration Dept.
M a d r a s - 1

Thro'

The Chairman, Municipal council, Mangalore.

Sir,

Residential areas - Mangalore Municipality -- Exclusion of T.S. 233 occupied by Aravind Motors from notified residential area - objections against exclusion ' remarks - interim reply submitted.

Ref. Government Memo No. 49176 HV/54-1 Health dated the 15th May 1954. pp 1-2 encls

****

I have requested the Municipal Health Officer to make specific remarks on the public health aspect referred to in the objection petition. Final reply will be submitted soon after the report of Municipal Health Officer is received by me.

Commissioner

Forwarded.

30/5

Chairman, M.C.

HELA
HD

N. R may issue on 4/7/54 if necessary.

h/26-5

compd. 26/5

7/6/54
NRP
7-6-54

8/6
8/6

9

From
Sri J. Sivanandam, I.A.S.,
Director of Town Planning,
Old High Court Building,
1st Line Beach, M A D R A S.1.

To
The Commissioner,
Mangalore Municipality,
Thro' the Chairman, Municipal
Council, Mangalore.

Roc.4625/A3/54 dated 10/6/'54.

Sir,

ASSISTANT SECRETARY TO GOVT. 1st JUN 1954 59444 HEALTH, EDN. & LOCAL ADMN. DEPT.

Sub:- Residential areas - Mangalore Municipality exclusion of areas from notified residential areas - Aravind Motors - Objections - Remarks - Called for.

Ref:- Government Memo.No.49176-HV-54-1-Health dated 15-5-'54.

I request you to forward the petition of Sri Prabhaker Rai of Mangalore dated 10-5-'54 along with your remarks at an early date.

for DIRECTOR OF TOWN PLANNING.

Copy to the Secretary to Government, Health, Education and Local Administration Department for information.

orn:10;6.

10.6.54

P.T.O.

10 / 49176/54

HCLA

HD

N Ron 4/7/54 to The Ml Commr Mangalore — Vide orders on file 5 ante

14/6/54

14-6-54

14

15/6/54

E3.157/1954. Municipal Office, Mangalore,
Dated 15th June 1954.

From

Sri A.K. Raghavan, B.A./B.L.,
Commissioner, Mangalore Municipality,
Mangalore.

The Secretary to the Government of Madras,
Health, Education and Local Administration Department,
Madras

The Chairman, Municipal Council,
Mangalore.

Sir,

ZONING - Mangalore Municipality - residential areas - exclusion of T S 233 occupied by Aravind Motors from notified residential area - Objection against exclusion remarks - submitted.

*****

Ref. 1) Government Memo No. 49176-HV-54-1 Health, dated 15th May 1954.

2) Reminder from Director of Town Planning, Ref No. 4625/A3/54 dated 10th June 1954.

I have submitted the report (in triplicate) through the Director of Town Planning, Madras. The objection petition has also been resubmitted in my Ref E3/157/54 dated 10th June 1954.

Commissioner, M.M

Forwarded.

Chairman, M.C.

Copy submitted to the Director of Public Health, Madras

" the Director of Town Planning, Madras.

h/16-6

compd.

The receipt of the orginal of the papers from the DTP and the D.P. II may be awaited till 20/7/54

From
Sri J. Sivanandam, I.A.S.,
Director of Town Planning,
Old High Court Buildings,
1st Line Beach, Madras.

To
The Secretary to Government,
Health, Education and Local
Administration Department,
Fort St. George, MADRAS.

Roc.4625/A3/54 dated 1-7-54.

Sir,

Sub:- Residential areas - Mangalore Municipality
Exclusion of T.S.No.233 from residential areas -
Aravind Motors - objections - remarks - forwarded.

Ref:- Government Memo.No.49176-HV-5-54-1 Health, dated 15-5-54.

The original petition of Sri Prabhakar Rai dated 10-5-54 and the remarks of the Commissioner thereon are being forwarded to Government with this office letter Roc.4625/A3/54 dated 1-7-54 through the Director of Public Health.

Sivanandam 2/7/54

FOR DIRECTOR OF TOWN PLANNING

ORN:1/7.9B 1.7.54

Copy to the Director of Public Health for information.

~~14~~ 4917/54

HECA

HD

The receipt of the ~~D.T~~ P's letter referred to at 'M' on pl is awaited. ~~thereafter~~ the D.P. H may be awaited till 15/7/54

5/7/54.

5/7/54

5-7-54

6/7/54

R. R. A. D.

15/A

E3.157/54.

Municipal Office, Mangalore,
Dated 10th June 1954.

From Sri A.K. Raghavan, B.A., B.L.,
Commissioner, Mangalore Municipality,
Mangalore.

To The Secretary to the Government of Madras,
Health, Education and Local Administration
Department, M a d r a s,

Thro' The Director of Public Health, M a d r a s,
The Director of Town Planning, Madras - 1,
& The Chairman, Municipal Council, M a n g a l o r e.

Sir,

Subject:- ZONING - Mangalore Municipality - Residential areas - exclusion of T.S.No. 233 occupied by Aravind Motors from notified residential area - objections against exclusion - report - submitted.

The building occupied by Sri Aravind Motors along Balmatta Road is in the notified residential area. No-licence has been issued from this office for the establishment of a workshop or workplace at the site T.S 233 of XV ward. This concern has two show rooms besides one shed measuring 21' x 21½' where hand painting of motor vehicles is carried on.

The Municipal Council in its resolution No.992, dated 11-7-1953, granted permission under Section 250 for the installation of 1 H.P. electric motor for an air compressor in the above premises in accordance with Government Memo No. 32873/F2-48-4 P.H dated 11-11-1948. The installation of the hoist was not permitted since it was pointed out by the Municipal Health Officer in his report dated the 4th July 1953 that it will contravene the provisions of the Government Memorandum quoted above. The party submitted an appeal petition dated the 11th Septr.1953 requesting to reconsider the orders passed in Council resolution No.992 dated 11th July 1953 and to permit the installation of electric motor of 3 H.P for the purpose of operating a hoist and inflating the tyres. The Municipal council referred this matter to Government for clarification whether an electric machinery to operate a hoist for servicing motor cars could be permitted as an amenity which need not be treated as trade machinery.

While the council was awaiting instructions from Government on the above reference the Managing Partner Aravind Motors submitted an application dated 19th December 1953 to the Director of Town Planning, Madras, requesting to permit the aforesaid installation and this was forwarded for remarks of the Commissioner in Ref A3-15625/53 dated 26th December 1953 of the Director of Town Planning, Madras. It was suggested that proposals for excluding the site T S No. 233 of 15th ward from notified residential area, if considered necessary be forwarded, after obtaining the opinion of the Municipal Health Officer and with a Resolution of municipal council.

16

The Municipal Health Officer in his report dated 25th January 1954 recommended the exclusion of site occupied by the building in which Sri Aravind Motors is located subject to certain conditions. My predecessor in charge of the office was not in favour of the exclusion of the site in question from notified residential area on the ground that the Government Women's Training school in Government owned building is located within a distance of 73 ft on the west of the Aravind Motors premises. The Director of Town Planning, Madras, after considering the recommendation of Municipal Health Officer approved the exclusion of the site in T.S.No. 233 on the Mercara Trunk Road side to a width of about 75 ft from the road edge as per approved plan T.P.P.H/D.T.P No.3/54 to enable the Municipal Council to permit the proposed installation. The proposals of exclusion as approved by the Director of Town Planning Madras, were placed before the council and it was resolved to await the instructions from the Director of Public Health, Madras on the reference regarding the grant of permissionto install a hoist in residential area.

A copy of Government Memorandum No. 49176-HV/54-1 Health, dated 15th May 1954 with the connected file of papers was referred to Municipal Health Officer for remarks and in his note dated 2nd June 1954 he has confirmed his previous report dated 25-1-1954.

Pp 3-4 ante

Triplicate copies of (1) Council resolution No.992, dated 11th July 1953 with Municipal Health Officer's report dated 4th July 1953, (2) C.R.No. 1850, dated 14-11-1953 (3) This office reference E1/17266/52, dated 4th Decr.1953 (4) Petition dated 19th Decr.1953 from the Managing Partner, Aravind Motors to the Director of Town Planning, Madras (5) Ref Roc No.15625/53-A3 dated 26th Decr.1953 from the Director of Town Planning, Madras (6) Municipal Health Officer's report dated 25th Jan.54 (7) Commissioner's letter to D.T.P. Madras No.E3/157/54 dated 2-2-1954, (8) D.T.P's ref 15625/53-A3 dated-14-3-1954 & (9) C.R No.781 dated 12th April 1954 are submitted herewith. The connected papers received in original along with Government Memorandum cited above are also enclosed.

Pp 17-33 ante

Pp 1-2 ante

Commissioner, M.M

Forwarded

Chairman, M.C.

Enclosures: ~~Nine~~ Nine.

H/10-6-54.

compd

Very Urgent. E3/18829/53. Municipal Office, Mangalore, D/26-5-1954. 17

Note to Municipal Health Officer.

Residential areas - T.S.No. 233 of 15th ward - Arvind Motors premises - exclusion of from notified residential area - proposals objected to - remarks requested.

A copy of petition dated 10th May 54 from Sri K.Prabhakara Rai, Municipal Councillor with a copy of Memo No. 49176 HV/54-1 Health, dated 15th May 1954 is enclosed. Please offer your specific remarks in the matter and retransmit the papers within 2 days as the reply to Government has to be submitted urgently. Connected file of papers relating to building construction and installation may be obtained from Town Planning and Building Overseer.

sd. A.K.Raghavan,
Commissioner

RETRANSMITTED.

Please vide my remarks on page 15.

sd. M.D.Edward,
2/6/54.
Municipal Health Officer

(True copy)

10th June 1954.

Commissioner, M.M

Remarks from Municipal Health Officer, dated 25-1-1954. 19

Inspected the premises T.S.No. 233 / XV ward. The building occupied by Messrs Arvind Motors, Balmatta road lies in the residential area, and now the applicant requests this land to be excluded from it.

The site opposite to this building across the road is a non residential area and the Commonwealth Hosiery Factory is located. On the eastern side of the premises, there are two motor-workshops, besides restaurants and on the western side are the Government Training school for girls(day school only) the Jyothi Talkies and several shops. There are only a few residential houses.

So I am of opinion that the running of an electric motor of 3 H.P for working the hoist in the premises will not be a source of nuisance to the neighbours. I recommend that the site occupied by the building as shown in the plan may be excluded from the residential area on the conditions mentioned by the Sanitary Inspector.

sd. M.D.Edward,
Municipal Health Officer
25- 1- 1954.

(True copy)

Municipal Office, Mangalore,
D/10th June '54

Commissioner, 146 M.M

compd.

21

Copy of report dated the 21st January 54 from the Sanitary Inspector, 7th Division.

---oOo---

Submitted.

The applicant has requested for the exclusion of T S No. 233 of 15th ward from the notified residential area, but M/s Aravind Motors workshop is located within the building bearing No. 4 A In T.S.No.233 of 15th ward and as such the question of exclusion comes in as far as this building is concerned and not the T.S.No. 233 as a whole.

The nearest residential buildings D.No.1/233-A2 and 4/233-1A2 of 15th ward whichare respectively located at a distance of 68 ft and 53 ft from the premises of the Aravind Motors There is a private road of 17 ft in width in between T.S.233 and the premises of the Govt.Training school for women. The buildings D.No.1 and 4 of 15th ward are owned by Sri J.A. Saldanha, Coffee Planter who expressed that there is no objection from him for the exclusion of D.No.4A of 15th ward (Aravind Motors building) from the notified residential area so as to permit the proprietors of Aravind Motors for installing a car lift (which is worked by a 3 H.P ele.motor) for the servicing of motor vehicles. He said separate "no objection petition would be filed by him"

Only the building D.No.4A of 15th ward may be recommended to be excluded from the notified residential area subject to the following conditions :-

1. All electric motors installed within this premises should not exceed 5 h.p. in aggregate.
2. The 3 h.p ele motor now proposed to be used for the car lift should not be employed for any other side purpose or side trade.
3. The previous or proposed ele motors should not be used for any other purpose or trade or business other than motor servicing or car lift.
4. The hours of work within the workplace should be restricted to day time only between the sun rise and sun set.
5. If the workspot or workplace or the electric motors or the allied machineries are found defective hereafter due to their impair or disorder and thereby causing further use of the work-shop or workplace shouldbe stopped forthwith.
6. The sullage or effluvia which is discharging from the premises should not be let out to road side drains, but should be disposed of within the premises for garden plants in T.S.No. 233 of 15th ward.

(True copy)

Commissioner

compd.

Extract from the proceedings of the Mangalore Municipal council, dated the 12th April 1954.

E3/157/54. Read letter Ref No. 15625/53/A3 dated 14th March 1954 from the Director of Town Planning, Madras approving the exclusion of site T.S.No. 233 of present 15th ward from notified residential area and suggesting to obtain the approval of the Director of Public Health Madras to the proposed exclusion and notify the same before granting the permission for the lift in Sri Arvind Motors premises.

Note: The council may agree to the proposals.

Council resolution No.781 dated 12th April 1954.

A reminder may be sent to the Director of Public Health for a reply in file E1/17266/1952. This will await the reply from the Director of Public Health.

sd. K.S.N.Adiga,
Chairman, M.C.

(True extract)

Municipal Office, Mangalore,
D/10th June 1954.

Commissioner, M.M

compd.
h/10-6

Copy of letter Roc No.15625/A3/53 dated 14th March 1954 from the Director of Town Planning, Madras - 1 to the Commissioner, Mangalore Municipality, thro' the Chairman, Municipal council, Mangalore.

Licence - Mangalore municipality - installation of electric motors - exclusion from notified residential area - proposal -- approved.

Ref. Petitionfrom Aravind Motors, Mangalore, dated the 19th Decr.53 to the Director of Town Planning.

- - - - - -

This department has no objection in excluding the site in S.No. 233 occupied by the Aravind Motors from the notified residential areas, as from a town planning point of view the site is on a main trunk road very much used by the traffic and immediately opposite to the main factory of the commonwealth Trust company. The declaration of an area as a non-residential area would not necessarily mean that the site can be variously used for any industry or installation. The installations permitted therein will be subject to strict oversight by the municipal council and municipal Health officer may at any time refuse a permission which is likely to injure the neighbourhood amenity of the area.

The department does not consider that the installation proposed by the petitioner will affect the amenity of the women's training college as it has been agreed alround that permitting a lift in the premises will not be injurious to the area. The premises is already used for servicing of cars and this can go on without installations but with lesser efficiency. A lift will certainly be a modern equipment and willbe a useful adjuct.

In the above circumstances the Director of Town planning agrees with the views of the municipal Health Officer that the site in T.S.No.233 on the Mercara Trunk road side to a width of about 75 feet from this road edge may be excluded from the notified residential areas and accordingly approve the exclusion as such of the site as shown in plan T.P.P.H/D.T.P No.3/54 to enable the municipal council to permit the proposed installation. You may obtain the approval of theDirector of Public Health to the proposed exclusion and notify the same before granting the permission as requested by the party.

sd.....
for Director of Town Planning.

True copy.

Municipal Office, Mangalore,
Dated 10th June 1954.

Commissioner, M.M

2.5

Copy of letter N.Roc No. 15625/53-A3 dated 26th Decr.53 From the Director of Town Planning, Madras - 1 to the Commissioner, Mangalore Municipality,thro' The Chairman, Municipal council, Mangalore.

Sub:- Licence - Mangalore Municipality - Installation of an electric motor of 3 H.P. in T.S No. 233 of ward No.15 for operating a car lift and inflating the tyres - remarks - requested.

Ref:- Letter Nil dated 19-12-1953 from the Managing Partner, Arvind Motors, Mangalore.

I forward herewith a petition received from Aravind Motors for your detailed remarks and return as to whether the site referred to is in a notified residential area or a Town Planning Scheme area and if so, whether the same can be excluded from the residential area to permit the installation applied for by the firm. The proposals may if considered necessary be forwarded to exclude the area from the residential area or to suitably allot the same in the Town Planning,after obtaining the opinion of the Municipal Health Officer and with a resolution of the Municipal council.

(True copy)

Municipal Office, Mangalore,
Dated the 10th June 1954.
compd.

Commissioner, M.M

27

ARAVIND MOTORS
BALMATTA, MANGALORE D/19-12-1953.

The Director,
Town Planning,
Madras.

Sir,

We have to state as follows :-

1. We are sole Authorised Dealers in Moris, Plymouth and Dodge Cars and Dodge and Fargo Trucks and as having a Showroom and Motor Servicing Station in Balmatta road, Mangalore town, opposite the Commonwealth Hosiery Factory. Another allied concern of ours called M/s Pramukh Motors is having its office in the same building and are Authorised Dealers in Hillman Cars and Comer Trucks.

2. Thus we have been representing important groups like;

(a) Messrs Premier Automobiles Ltd Kurla, Bombay.

(b) Messrs Automobile Products of India Ltd Bhandup, Bombay

who have both manufacturing programme and who have been recognised by the Government of India for future manufacturing programme.

3. Our concern is under an efficient management with a sound capital. The partners of the firm are having a reputation for service and efficiency for the last over quarter of a Century in other branches of trade in the Dt. of South Kanara. In establishing this concern our sole idea is to establish a motor servicing station available to the motoring public at all times in an important city.

4. That with this idea in view we applied to the Mangalore Municipality for working a 3 h.p. motor for the purpose of operating a ~~lift~~ car lift and for inflating tyres by a petition filed as early as 29-11-52. The premises where the servicing station is now installed is in an important centre of the city of Mangalore and just abutting on the main road at Balmatta near the junction of two important highways radiating out of the city. There are very few residential houses in the neighbourhood and the working of a car lift by a 3 h.p. power motor will not cause any inconvenience to any of the citizens residing in the neighbourhood.

5. We submit that the lift or hoist is not a Machinery but is only a contrivance for jacking up cars by Hydraulics through the media of compressed air. The only difference in a Hydraulic Jack and a car lift is that the latter is embedded in earth to give sufficient clearance for the car to be lifted. The car lift by itself does not make any noise in operation and is in fact absolutely silent. The noise of the compressor is equivalent to that of any other motor which is allowed to be installed in Area. We submit that the car lift being silently and smoothly operated can never be considered as objectionable in residential quarters particularly where electric lifts of higher horse power are being worked and permission is being granted to work the same in residential quarters. More objectionable than this would be the working of cinema theatres by oil engines for generating power which creates more noise and inspite of the said fact licences are being granted as the same is considered to be an amenity to

the public and rules and regulations are modified to cater to the needs and suit the convenience of the public. Similarly in a growing city like Mangalore where owner driven cars are on increase and specially when there is only one servicing station in Mangalore and where there is none in the near vicinity in Balmatta this amenity is of greatest service and requirement to all the other car owners specially owned and driven by owner-drivers. in case there is a sudden break down in the car it will be difficult for the owner to get the same to a nearest garage or a servicing station and this servicing station which is situated on the main road, will be of immense service to the motoring public of Mangalore. Installation and oper-ation of car lift by pumping air will not interfere with the normal life of any citizens and in cities like Madras, Bombay and other places in almost all the Petrol pump servicing stations there are amenities for installation of Motor for operating car lift by pumping air.

6.. In order to have clear idea of the entire matter and for ready reference we have prepared a sketch of locality and enclose the same herewith. It could be seen from the said sketch, that the plot marked "A" is being used as a petrol bunk by M/s C. Albuquerque & Co The plot marked "B" is Jyothi talkies All these are in the immediate vicinity where out servicing station is located and that is considered to be the residential area. Plot marked "C" is situated just opposite ours is the Commonwealth Hosiery Factory and in the plot marked "D" there is at present a petrol bunk of M/s P. Umanatha Bhandary & Co. Plots marked "E" and "F" are workshops situated on Balmatta road.

7. Our above referred application to the Mangalore Municipality for installation of 3 h.p. motor was taken up by the Mangalore Municipal council on 11- 7- 1953, They granted us permission for installation of only 1 h.p. motor for inflating tyres vide communication No.E1/17266/52 dated 22-9-1953 of the Commissioner, Mangalore Municipality. To this we filed a petition dated 11th Septr. 1953 to the Chairman Mangalore Municipal council, Mangalore requesting him to grant us installation of a 3 h.p. motor against the above, mentioned 1 h.p. motor and permit us to operate "Car Lift" to enable us to service motor vehicles.

8. In the Mangalore Municipal council meeting held on 14th Novr.53 the council took up our above referred petition dated 11- 9- 1953 and they passed a resolution to refer the matter to the Government for clarification as to whether 3 H.P. motor can be permitted as an amenity for operating Car lift for servicing motor cars. In this meeting we had also filed no objection certificate from all our surrounding neighbours.

9. Under the above circumstances we pray that necessary permission may be granted to us for installation of anelectric motor of 3 h.p. in T.S.No.233 of ward 15 for the purpose of operating a Car lift and inflating the tyres which is a great amenity to the motoring public.

For which act of kindness we shall ever remain grateful.

Yours faithfully
For Aravind Motors
sd.....
Managing Director

True copy

Municipal Office, Mangalore,
Dated the 10th June 1954.
compd.

Commissioner, M.M

29

Copy of letter E3/157/54 dated 2nd February 54 from the Commissioner Mangalore Municipality, Mangalore to the Director of Town Planning, Madras, thro' the Chairman, Municipal council, Mangalore.

Subject:- Residential areas - installation of an electric motor of 3 h.p. T.S.233 of ward No.15 - operation of air compressor for a car lift and inflating tyres - report submitted.

Ref:- Your N.Roc No. 15625/53-A3 dated 29th Decr.53.

In Government Memo No. 32873-F2/4 P.H dated 11-11-1948 orders have been passed regarding the grant of permission to install small horse power electric motors in notified residential area for the purpose of air compressor used only for inflating tyres. Sri Aravind Motors having a show room and motor servicing station in Balmatta road sought permission to install an electric motor of 3 H.P for inflating tyres and to operate a hoist for servicing motor cars in their premises T.S.233 of 15th ward classified as residential area under section 89 of P.H.Act 1939. The Municipal Health Officer in his report dated 4-7-1953 recommended permission to instal 3 h.p. electric motor for air compressor subject to its use for inflating tyres only. Permission for operating the hoist was not recommended by him as the site falls within the notified residential area. It was also pointed out by him that a small horse power mentioned in Govt Memo may be taken to mean up to 5 H.P.

The matter was placed before the council which in its resolution No.992 dated 11-7-1953 decided to grant permission for the installation of only one horse power electric motor for air compressor used for inflating tyres. On a further reference made by the above concern the council in its resolution No. 1850 dated 14th Novr.53 (copy enclosed) resolved to request the Government for instruction regarding the aforesaid installations of electric motor to operate the hoist in the notified residential area for the purpose of servicing motor cars. The matter is under correspondence with the Government through the Director of Public Health Madras for instructions.

On receipt of your reference N.Roc No.15625/53-A3 the Municipal Health Officer was consulted regarding the exclusion of the site from the notified residential area so as to enable the party to instal the said air compressor. A copy of report dated 25th Jan.54 from the Municipal Health Officer along with remarks dated the 21st January 54 of the concerned Sanitary Inspector are enclosed for information. The site is not included in any detailed Town Planning scheme, area. The hoist by itself will not be detrimental to the interest of residents in a residential area where it is permitted along with an air compressor used for inflating tyres so long as it does not become a work place. The exclusion of their premises T.S.No.233 of 15th ward for the sake of permitting a very necessary adjunct as a hoist in a place where air compressor has been permitted already does not seem to me essential for the reason that the triangular block bounded by the Government Women's Training school road on the north Mangalore Mercara trunk road on the south and the Bunt's Hostel road on the west is already an established residential area wherefrom no exclusion should be made particularly because on the western side the Government Women's Training school is located within a distance of 73 ft in Government owned building. I am not therefore in favour of exclusion ~~owned building. I am not therefore in favour of exclusion~~ of the site from notified residential area. A general exemption may be granted in favour of hoist. It is undesirable to approve of the exclusion of the site conditionally in the notified residential area. The file

of

30

of papers received with your above reference are resubmitted.

(True copy)

10th June 1954.

Commissioner, M.M

compd.

Extract from the Proceedings of the Mangalore Municipal council, dated the 14th Novr. 1953.

E1. 17266/52.

READ appeal petition dated the 11th Octr.53 from the Managing Partner of Aravind Motors, requesting permission for the installation of a 3 H.P. electric motor in T.S.No. 233 of 15th ward, along Balmatta road(Vide enclosed site plan)

Note:-

The appellant was granted permission under section 250 of the M.D.M.Act to install an electric motor of 1 h.p for inflating tyres in T.S.No. 233 (Residential area) of 15th ward and permission was refused for installing the hoist (C.R.No.992 D/11-7-1953. This was communicated to the party in this office No.E1/17266-52 dated 22-9-1953.

The communication from "Aravind Motors" D 11-9-1953 (Received on 22-10-53) is only a petition for special permission to install the Hoist (of 3 H.P. electric motors) Considering the locality and the objections from the neighbours thismay be decided - Director of Public Health also may be consulted.

Council resolution No.1850, dated 14-11-53.

A reference may be made to the Government whether an electric machinery to operate a hoist for servicing motor cars could be permitted as an amenity which need not be treated as a trade machinery.

x x

sd. K.S.N.Adiga,
Chairman, M.C.

/True extract/

10th June 1954.

Commissioner

compd.

33

Municipal Health Officer's remarks dated the 4th July 1953.

The applicant wants to install a 3 h.p. electric motor for inflating tyres and operating a hoist in T.S.No. 233 of ward XV.

not in file

Government Memo No. 32873-F2/48-4 P.H dated 11th Novr.48 contemplates that small horse power electric motors for purposes of air compressors used only for inflating motor tyres may be allowed in notified residential areas. It is generally taken that a small horse power means up to 5 H.P

So permission to install a 3 H.P electric motor for inflating motor tyres only can be given and permission for the hoist may he refused.

sd. M.D.Edward,
4/7/53
Municipal Health Officer.

(True copy)

10th June 1954.

Commissioner, M.M

compd

Extract from the Proceedings of the Mangalore Municipal council dated the 11th July 53.

E1/17266-52. Read application dated 19th Novr. 1952 from the Managing Partner, Aravind Motors, requesting permissionto install an electric motor of 3 h.p. in T.S.No. 233 of 15th ward for air compressor for inflating tyres and for operating hoist.

Commissioner's note dated the 14th June 1953:-

1. Permission prayed for the air compressor for inflating tyres may be granted.

2. Permission may be refused for operating hoist as this case has not been specified in Govt Memo No. 32873-F2/48-4 P.H dated 11- 11- 48.

not in file

Council resolution No. 992 dated 11th July 1953.

Licence for installing the hoist is refused. Installation of one H.P electric motor is permitted for inflating tyres.

x x

sd.K.S.N.Adiga,
Chairman, M.C.

True copy.

Municipal Office, Mangalore,
Dated 10th June 1954.

Commissioner, M.M

compd.

35

From
Sri J. Sivanandam, I.A.S.,
Director of Town Planning,
Old High Court Buildings,
1st Line Beach, Madras.1.

To
The Secretary to Government,
Health, Education and Local
Administration Department,
Thro' Director of Public Health,
Madras.

Roc.4625/A3/54 dated 1-7-54.

Sir,

Sub:- Residential areas - Mangalore Municipality - Exclusion of T.S.No.233 - Aravind Motors - objections - Remarks - Forwarded.

Ref:- Petition of Sri Prabhakar Rai, Municipal Councillor, Mangalore dated 10-5-54.
From the Commissioner, Mangalore Municipality E3.157/54 dated 10-6-54.

pp 1-2 ante — pp 15-16 ante

The petition of Sri Prabhakar Rai and letter of the Commissioner, Mangalore Municipality cited above are herewith forwarded to Government through the Director of Public Health, Madras.

pp 15-16 ante — pp 1-2 ante

The views of this Department in this matter are contained in this office letter No.15625/A3/53 dated 14-3-54 issued on the petition of Aravind Motors and also letter E3.157/54 dt.2-2-54 of the Commissioner, Mangalore Municipality. The site had also been inspected by the Joint Director of Town Planning. It was apparent from the resolution No.1850 dated 14-11-53 of the Mangalore Municipal Council that the Council was not against the grant of permission for a car hoist in the premises of Aravind Motors and as such in order to enable the Municipal Council to grant the said permission a suggestion was made to the Municipal Council to exclude a part of T.S.No.233 from the notified residential area. In the opinion of this Department there is absolutely no objection in excluding the said T.S.No. from the residential areas, as this locality has already become a business locality and as the amenity of the residences and of the Government Training School in the vicinity will not be affected thereby. The Department agreed with the Municipal Health Officer that the site may be excluded from residential areas subject to a limitation of 75' from the road as shown on plan. While making the above suggestion, the Department considered it expeditious also to consider the suggestion as an approval of the Director of Town Planning in order to avoid further correspondence in the matter and to save delay and the Commissioner was therein requested to submit proposals separately for securing the approval of the Director of Public Health for the exclusion. In taking further action, the Commissioner should necessarily send the proposals through the Collector to the Director of Public Health after securing the necessary resolution from the Municipal Council in support of the suggestion. There has been no disregard on the part of the Department of the procedure laid down by the Government as alleged by the petitioner and no harm has been done since as may be seen the letter of the Department is exhaustive and contains all required details. The Government may accordingly record the petition and decline to interfere in the matter.

pp 1-2 ante — pp 15-16 ante — pp 23 ante — pp 27-28 ante — pp 29-30 ante — pp 31 ante

1.7.54

FOR DIRECTOR OF TOWN PLANNING.

ORN:1/7.

1.7.54

s/-

D.No.144 Hyg/54 dated 12-7-54 Office of the Director of Public Health, Madras-6.

Forwarded.

2. The installation of electric motor for operating a hoist for servicing motor cars in the premises referred to will offend section 92(a) of the Madras Public Health Act. The Municipal Council may therefore be advised to submit proposals, through the District Collector, for the exclusion of the site from notified residential areas, as suggested by the Director of Town Planning in his letter Roc.No.15625-A3/53 dated 14-3-54. Permission should not be granted till the site is excluded from the notified residential areas with the approval of the authorities concerned.

14/7/54

For Director of Public Health, Madras

SECRETARY TO GOVT. 16 JUL 1954 70772 HEALTH EDN. & LOCAL ADMIN. DEPT.

To

The Secretary to Government,
Health Education and Local Administration
Department, Madras.

1½

49176 Town Tr 72/54

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HELA

Hr

157/16-8

Sub: Zoning. Mangalore Mpty. Residential areas. Exclusion of TS no 233, Arvind Motors occupied by Objections against —

105/17-8

—x—

Ref: From Sri Prabhakar, Rai, Ml Councillor, Mangalore, petition dt 10/5/54. p1-2 cy

From the Commr, Mangalore Mpty E3/157/54 dt 10.6.54 pp 15-16 cy

From the DTP Roc 4625/A3/54, dt 1.7.54 p 35 cy

From the DPH D no 144 Hyg/54 dt 12/7/54 p 37 cy

—x—

Memo 49176 Hr/54-3-Health. dt 13/8/54

8/8 / 13/8

Representations have been made to Govt by Sri Prabhakar Rai Ml councillor, Mangalore that while the ml council in its resolution dt 14/11/53 Mangalore, has resolved (after a careful consideration of the appeal petition of the Managing Partner, Arvind Motors Ltd Requesting the grant of permission for the installation of a 3 H.P. electric motor in part of TS no 233 of the 15th ward) to refer the matter to the Govt requesting them to

H 1-2 cy

K on p 31 cy

para 2, p 1 cy

P.TO

No 40

clarify a point of doubt, the misrepresentation of D.T.P on some facts made by the Managing Partner of the firm has approved the exclusion of the site from a notified residential area in his letter dt 14/3/54 that the exclusion of the site to a depth of 75ft from the road edge is against the recommendation of the Health Officer and that the usual procedure before approving of the exclusion of ~~the~~ any site from a residential area (viz consultation with ~~the~~ the Coll. of South Kanara by heads of depts) has not been followed. She Govt have carefully examined the above representations in consultation with the DTP and the D.P.H and they do not see anything irregular in the action of the DTP in having recommended the exclusion of the site. ~~the allegations made by Sri Rai are not true~~

2 She Commr Mangalore mply is informed that the installation of an electric motor for operating a hoist for servicing motor cars in the premises of Atmd motors will attract provisions of section 92 (a) of the M.P.H Act and that he may advise

para 2, p 1 of

para 3, pp 1-2 of

(K' on p 23 of

para 4, p 2 of

para 5, p 2 of

pp 3 to 4 of p 35 of

p 37 of

(R' on p 35 of

p 37

P.T.O

'Bon p37y

f 23 of

the mld. to submit proposals ~~if necessary~~ through the District Collr South Kanara and the DPH for the exclusion of the site in question from notified residential areas as suggested by the DTP in his letter R.oc no. 15625 A3/53 dt 14/3/54. Until such time as the site is excluded from the notified residential areas with the approval of the authorities concerned, permission under Sec 250 of the MDM Act for the installation of electric motor in the premises, should not be granted

'A' on p37y

To
The Commr,
Mangalore Mplty
(thro the Cmr)

7/5/54
NRP
9-8-54

4/11/54

5/5/54
12/8/54.

" DTP.

" DPH,

~~Copy~~ Sri Prabhakar Rai,
Mpl Councillor D.Com., (Bon)
Mangalore
(Para 1 only)

OW The draft above is self explanatory and is based on the observations of the D.P.H and the DTP on p37y. In the circumstances explained by the DTP on p35y the allegations of the petitioner do not appear to be

DTP

1) The DTP's approval for exclusion of this site is based on the MHOs remarks (the DPH has since agreed to the proposal as suggested by the DTP)
2) The DTP's suggestion to exclude the [illegible] on merits of the case

42

do not appear to be true

~~May issue with the approval of M(H)~~ for orders as to circulation

7/8/54

9.8.54.

11/8/54

J.S.

S.A. Salisbury
12.8.54

M(H) ~~assistant~~ 13/8